

1 The Honorable Ricardo S. Martinez  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE  
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12 UNITED STATES OF AMERICA, )  
13 Plaintiff, ) NO. CR 05-313RSM  
14 v. )  
15 BOBBY WAYNE WELLS, ) CONTINUING TRIAL DATE  
16 Defendant. )  
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19 Based upon the reasons stated in the joint motion of the parties to continue the trial  
20 date, and upon a review of the records and files herein, this Court adopts the stipulation of  
21 the parties and FINDS and RULES as follows:

22 On November 5, 2004, a criminal complaint was filed charging the defendant,  
23 BOBBY WAYNE WELLS, with being a felon in possession on August 9, 2004, in violation  
24 of Title 18, United States Code, Section 922(g). At the time the criminal complaint was  
25 filed, WELLS was pending charges on different matters in King County Superior Court. On  
26 August 25, 2005, a grand jury returned an Indictment charging WELLS with the same  
27 conduct as charged in the criminal complaint.  
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On October 11, 2005, WELLS pled guilty to some of the King County charges and on  
October 31, 2005, he was sentenced to forty-three months' incarceration. On November 25,  
2005, Mr. Filipovic, counsel for WELLS' on WELLS' federal case, notified the United  
States that WELLS had been sent to the Washington State Department of Corrections to  
serve a prison term and wanted to be brought into federal custody so that he could address  
the pending federal charge. On December 22, 2005, the Department of Corrections served  
the federal detainer on WELLS and he elected to be brought into federal custody to address

1 the pending charge.

2 Thereafter, on December 28, 2005, the United States applied for a Writ of Habeas  
 3 Corpus Ad Prosequendum and, on December 28, 2005, the Honorable John L. Weinberg,  
 4 United States Magistrate Judge, issued the Writ. WELLS made his first appearance in this  
 5 District on January 18, 2006, and has been detained pending trial. At the initial appearance,  
 6 a March 27, 2006, trial date was set.

7 On February 23, 2006, WELLS filed two pretrial motions in this case, one to suppress  
 8 statements and one to strike surplusage. The United States responded to the motions on  
 9 March 2, 2006, and they are pending resolution.

10 The parties have jointly moved for a continuance of the trial date. As grounds  
 11 therefore, the parties have indicated that failure to grant the continuance in this case would  
 12 deny counsel for the defendant and the attorney for the Government the reasonable time  
 13 necessary for effective preparation, taking into account the exercise of due diligence.  
 14 Specifically, the Assistant United States Attorney assigned to the case had a trial commence  
 15 on March 20, 2006, and the trial, involving nearly fifty witnesses, is expected to last six to  
 16 eight trial days. Accordingly, the Assistant  
 17 United States Attorney will not be available to try the WELLS case on March 27, 2006. In  
 18 addition, Mr. Filipovic has a trial scheduled for April 18, 2006, which is expected to last at  
 19 least two weeks. While there have been plea negotiations in that case, a final resolution has  
 20 not yet been reached. In addition, Mr. Filipovic is scheduled to be out of the country starting  
 21 May 15, 2006, and will not return to his office until June 6, 2006. Given the length of time  
 22 Mr. Filipovic will be out of the office, he will need a minimum of two weeks between his  
 23 return to the office and the commencement of trial to be adequately prepared for trial.  
 24 Moreover, because of the pending motions, only  
 25 37 days have passed under the Speedy Trial Act and the time is being tolled until resolution  
 26 of the motions. Accordingly, there are 33 days remaining under the Speedy Trial Act from  
 27 the date that the Court resolves the motions. 18 U.S.C.  
 28 § 3161(h)(1)(F).

1 The parties agree that the ends of justice served by granting this motion to continue  
2 outweigh the best interest of the public and defendant in a speedy trial.

3 It therefore appearing to the Court that the ends of justice served by granting the  
4 requested continuance outweigh the interest of the public and the defendants in a speedy  
5 trial,

6 IT IS ORDERED that the trial date be continued from March 27, 2006, until  
7 June 26, 2006.

8 IT IS FURTHER ORDERED that the period of delay from the date of this Order,  
9 until June 26, 2006, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for the  
10 purpose of computing the time limitations imposed by the Speedy Trial Act,

11 DATED this 27 day of March 2006.



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13 RICARDO S. MARTINEZ  
14 UNITED STATES DISTRICT JUDGE

15 Presented By:

16 JOHN McKAY  
17 United States Attorney

18 /s/ Tessa M. Gorman  
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